

## Frequently Asked Questions

### What is a trademark?

A trademark is a source identifier. It can include any word, name, symbol, device, or any combination, used, or intended to be used, in commerce to identify and distinguish the goods of one manufacturer or seller from goods manufactured or sold by others, and to indicate the source of the goods.

Trademarks are also important because they serve as symbols of quality assurance and good will associated with a particular company's product or service. The quality assurance function requires the trademark owner to maintain consistent quality standards so that the consumer gets what he or she expects. Correspondingly, trademarks serve as symbols of good will because they help to ensure a producer that it, and not an imitating competitor, will reap the financial, reputation-related rewards associated with a desirable product being marketed and sold under a certain brand name.

Trademarks can consist of a variety of words and symbols. For example, trademarks can include the following:

- A design – such as the NIKE swoosh
- A product shape – such as the shape of the COCA-COLA bottle
- A number – such as 311 covering entertainment services provided by a popular music group
- A slogan – such as JUST DO IT associated with NIKE product lines
- A sound, color, or smell – such as the NBC chimes associated with NBC radio and television programming or the use of the color pink by Owens-Corning to identify its fiberglass insulation products

The critical element in all of these trademarks, whether they consist of words, designs, or numbers, is that they identify and distinguish one company's products and/or services from another's.

Please contact us if you have any questions about what can constitute a protectable trademark.